

**PROJECT AGREEMENT**

**FOR**

**PATENT AND TRADEMARK OFFICE SUPPORT SERVICES**  
**(PTOSS)**

**ISSUED BY**

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**SOLICITATION NUMBER**  
**52-PAPT-9-01019**

## **1. BACKGROUND & PURPOSE**

The United States Patent and Trademark Office (PTO) seeks to award a contract to provide continued and improved processing and maintenance of applications and application related papers, maintenance of the examiner paper search files, processing of fee payments and office actions and related services. Additionally, scanning services in support of application processing will be accomplished as a part of this project. The objective of these services and any future requirements of this project are to provide our customers with the highest quality service in all aspects of PTO operations. This contract will provide the resources needed to replace the existing contracts currently held by 8(a) contractors, as well as incorporate options for additional requirements or services.

In its Fiscal Year 2000 Corporate Plan, the PTO committed to leading the world in providing customers valued intellectual property rights that spark innovation, create customer confidence, and promote creativity. To carry out this commitment, the PTO established two strategies to guide its efforts. The one most applicable to this procurement is to provide a high level of quality and service.

In fulfilling this strategic planning objective, the PTO will be utilizing a streamlined acquisition process described in the document entitled **Department of Commerce (DOC) Acquisition Process Case for Change**, available at our web site in the reference library at <http://www.uspto.gov/go/proc/conops>. To successfully implement this acquisition process, the Government seeks the cooperation of the vendor community in an effort to conduct business fairly, in an atmosphere of integrity and openness. The PTO highly encourages the use of alternative dispute resolution procedures to settle any disagreement resulting from the use of this project agreement (PA) such as the Department of Commerce's agency level protest procedures which are included in this project agreement by reference. (See Federal Acquisition Regulation (FAR) clause 33.103.)

This project agreement will establish an agreement between the project team and the Acting Assistant Commissioner for Patents empowering the project team to research and acquire the services necessary to allow the PTO to provide high quality services to its customers. The project agreement serves as a communication link with industry regarding this requirement and outlines the project objective, project team duties, estimated budget, high-level milestones and associated ground rules.

The Government Performance and Results Act (GPRA) places new management expectations and requirements on federal agencies by creating a framework for more effective planning, budgeting, program evaluation and fiscal accountability for federal programs. The intent of this act is to focus clearly on results and to improve public confidence in federal agency performance by holding agencies accountable for achieving program goals. GPRA requires agencies to define their mission, establish goals, and determine how those goals will be met, establish performance measures, use the information gathered from those performance measures to make improvements, and report on their accomplishments. PTO's streamlined acquisition process uses GPRA as its springboard to launch new projects and acquisitions. Consistent with GPRA, any contract resulting from this project agreement will contain performance-based measures emphasizing quality and customer satisfaction.

## **2. AUTHORITY**

This project agreement is hereby authorized by the Acting Assistant Commissioner for Patents of the PTO and is identified as a requirement of the Office

## **3. PROJECT OBJECTIVE**

The project objective is to deliver a contractor capable of providing high quality support services necessary to carry out the mission of the PTO. The future requirements as stated may or may not be exercised during the term of any resulting contract. It is anticipated that a contract will be awarded not later than the end of the current calendar year, December 31, 1999.

The following is a brief description of contractual responsibilities and deliverables desired by the PTO. The PTO encourages offerors to respond to all of the following with innovative and creative approaches to accomplish the work, including using welfare recipients as part of the offeror's workforce. Offerors who fail to respond to the requirements listed in Section 9 (Ground Rules) will not be considered for further evaluation.

### **PLEASE NOTE:**

The PTO has established a vendor information center at our home page at <http://www.uspto.gov/go/proc/conops/pto/ptoss> to allow interested parties to review relevant documents. Potential offerors will find these documents very helpful in preparing their submissions.

## **REQUIREMENTS**

*(Unless otherwise specified, 100% quality/accuracy is required, and “hour” or “day” refers to work-hour or work-day. Standards and turn-around times too lengthy to state within this section are provided as [Attachment A](#) to the PA. Contractor shall provide all necessary equipment and supplies except those specified as government-furnished, see [Attachment C](#). )*

### **3.1 Search File Maintenance**

**3.1.1 Reclassification Project Processing** (See [Attachment A](#) for required turn-around times.)

**3.1.1.1 Preprocessing** – Providing a single, complete, legible and cover-sheeted copy of each unique U.S. Patent from the public search room within the scope of a reclassification project. Also requires identifying, boxing, storing and maintaining surplus documents during the life of the reclassification project.

**3.1.1.2 Data capture** – Using PTO-provided software, creating an error-free electronic project data file of patent-specific new classification information.

**3.1.1.3 Final processing** – Creating complete and accurate public search files (PSF) and examiner search files (ESF) in the project classification(s); returning the examiner search file to the appropriate examiner search room(s).

**3.1.2 File Integrity** – Physically restoring the PSF/ESF paper search files and reconciling data contained in the automated master files with the paper search files.

**3.1.3 File Inventory** – Physically comparing the actual contents of the ESF with the data contained on the automated master files.

**3.1.4 Reference Filing** – Picking documents up daily, sorting and filing them into the ESF in approximately 426 search rooms of varying size throughout the PTO. Minimum Standard: 98% Accuracy, 8-hour turn-around.

**3.1.5 Examiner Search Room Maintenance** – Daily monitoring and maintenance, including mini-expansions, of the physical facilities. Minimum Standard: correcting problems within 8 hours of identification/notification.

**3.1.6 Search File Expansion** – Physically rearranging patent documents in an ESR. The PTO may require expansions to be performed during a second shift. Minimum Standard: no one subclass can be unsearchable for longer than 1 day.

3.1.7 **Provide Patent Copies** – As needed to complete project processing or as requested by the Government, locating and/or reproducing patent copies which meet established standards.

3.1.8 **Misc. processing** – Processing other related documents. (PTO-14, MTR and Certificate of Correction)

### **3.2 Copying Support**

3.2.1 **PCT Copying** – Picking up and delivering, at least twice-daily, international documents and other materials, updating PALM, reproducing the required number of documents in accordance with established standards, and assembling copies. Minimum Standard: 16-hour turn-around time from receipt or pick-up of copying request.

3.2.2 **Administrative Copy Center** – Operating Government-provided high-performance copying equipment and providing assistance to users of PTO's walk-up copying equipment. Hours of operation: 7:30 a.m. – 5:00 p.m.

3.2.3 **Reference Copying** – Picking up and delivering, at least twice daily, application files and other materials, updating PALM, reproducing the required number of documents in accordance with established standards, and assembling copies. Minimum Standard: 8-hour turn-around time from file pick-up.

3.2.4 **Bulk Copying** – High volume copying and delivery as needed.

### **3.3 Document Mailing**

3.3.1 **U.S.** – Printing mailing address using PALM equipment, inserting appropriate documents into envelope and application file, and endorsing application file. Minimum Standard: Same-date postmark as printed from PALM.

3.3.2 **PCT** – Printing mailing address using PALM equipment, inserting appropriate documents into envelope and application file, endorsing application file and identifying and mailing documents to EPO/JPO/WIPO. Minimum Standard: Same-date postmark as printed from PALM.

3.4 **Application File Retrieval** – Locating, retrieving and delivering applications throughout PTO, and updating PALM. Minimum Standard: Turn-around time will vary; may be as short as 1 hour. For 1-hour turn-around documents received in the last mail delivery of the day, the appropriate files must be located and delivered before the end of the contractor's workday.

### **3.5 File Room Maintenance**

- 3.5.1 **PCT** – Creating, maintaining, updating, retrieving and refiling applications, other files and related documents; repairing file wrappers and replacing bar code labels as needed; updating PALM as appropriate. Performing housekeeping functions as needed. Required staffing from 6:30 a.m. to 6:00 p.m. on all Federal workdays. Additional hours as required. Minimum Standard: Turn-around times will vary by function.
- 3.5.2 **OIPE** – Maintaining, updating, retrieving and refiling applications and other related documents, and updating PALM as appropriate. Perform housekeeping functions as needed. Required staffing from 6:30 a.m. to 6:00 p.m. on all Federal workdays. Additional hours as required. Minimum Standard: Turn-around times will vary by function.
- 3.5.3 **Technology Center File Maintenance** – Maintaining file room(s) including housekeeping functions; repairing file wrappers and replacing bar code labels as needed; inventorying application files and related documents housed in each Technology Center (TC). Minimum Standards: Turn-around times will vary by function.
- 3.5.4 **File Relocation** – Retrieving, boxing, moving, refiling and PALMing application files as necessary. Minimum Standards: Identified on a project-by-project basis.

### **3.6 Mail Processing**

- 3.6.1 **U.S. Open/Sort** – Opening, dating, sorting and routing incoming PTO mail, including staffing the customer service window from 8:30 a.m. to midnight each Federal workday. Minimum Standards: Processed mail, other than new applications, must be returned to the mail center within 2 days from PTO receipt of non-fee mail and 3 days for fee mail.
- 3.6.2 **PCT Open/Sort** – Opening, dating, sorting, routing, and delivering incoming PCT mail. Minimum Standards: Must be completed within 3 days of receipt in the PTO.
- 3.6.3 **U.S. File Assembly** – Receiving and processing new applications and creating appropriate files. Minimum Standards: New applications must be forwarded to the next processing stage within 5 days from receipt in the PTO; this deadline includes any RAM processing.
- 3.6.4 **PCT File Assembly** - Retrieving and processing new applications filed under PCT and creating appropriate files. Minimum Standards: Completed files must be returned to next processing stage within 8 hours of retrieval.

### **3.7 Data Entry**

- 3.7.1 **RAM** – Determining fee code, entering data into RAM, and processing refunds. Minimum Standard: RAM processing must be completed within 1 day of receipt in PTO.

- 3.7.2 **Bibliographic data** – Identifying and entering data into PTO automated systems.  
Minimum Standard: Must be finished within 2 days of file assembly completion.
- 3.7.3 **Misc. Data Entry** – Entering data into PTO systems. Minimum Standard: Varies according to data entered.
- 3.8 **TC Mail Room** – Opening, sorting, dating, PALMing, and delivering incoming TC mail.  
Minimum Standard: All processing must be completed on the same day as and within 2 hours of receipt in TC mail room.
- 3.9 **Fax Support** – Maintaining TC fax machine supplies and receipt logs; troubleshooting machine problems; retrieving and delivering all incoming fax documents until 4:00 p.m. each workday. Minimum Standard: All fax support functions must be completed at least three times daily. Incoming fax documents must be delivered within 1 hour of pick-up.
- 3.10 **Errands** – Picking up and delivering materials from designated points throughout PTO.  
Minimum Standard: At least twice daily, once in mid-morning, once in mid-afternoon.
- 3.11 **Scanning services** – Electronic capturing, QCing, verifying and editing patent application images (text and drawings) and OCR'd data, including reviewing and disassembling documents, copying, drilling and final file assembly. Rescanning documents as necessary. Performing daily preventive maintenance on all equipment. Minimum Standard: 2 day turn-around for normal processing; 2 hour turn-around for walk-ins. 100% QA on all electronically captured information.
- 3.12 **File Information Unit (FIU) Support** – Providing file maintenance and retrieval support to the FIU as needed, from 7:30 am until 8:00 pm.
- 3.13 **Other Support Services**
- 3.14 **Quality Control** – The PTO has, as a part of its mission, the responsibility of achieving and maintaining a high level of quality and customer satisfaction. Offerors must demonstrate how they will ensure quality control and assurance for all requirements.
- 3.15 **Future Requirements** – Offerors are advised that current PTO processes and support systems are being re-engineered to support higher quality and substantially improved customer service. Therefore, it will be incumbent upon the offerors to demonstrate the ability to be flexible enough to quickly adjust processes, personnel skill levels, and management to adapt to process changes being implemented both now and in the future.

#### **4. TEAM MEMBERS**

The project team leader has overall authority and responsibility for the successful accomplishment of the project objective and fulfillment of the terms of this project agreement. The selection and assignment of other team members has been made on the basis of the PTO's cross-functional needs and includes a warranted procurement official, as well as program and legal representatives.

#### **5. EMPOWERMENT**

This project agreement fully empowers the project team to meet the overall project objective and authorizes the project team to take all steps necessary for the acquisition, including the development of an overall project strategy, an acquisition strategy, and selection of contractor(s), subject only to statutory requirements. No further authorizations are required. The project team will update the Acting Assistant Commissioner for Patents on the progress in meeting the project objective on a monthly basis and as major milestones are achieved. The Procurement Executive for the Department of Commerce has issued an Individual Deviation from the FAR for this project.

#### **6. ESTIMATED BUDGET**

The total estimated budget for meeting the project objective resulting from this project agreement is \$15 - \$18 million over the first year. The project team prefers to make an award to a single firm. However, the project team reserves the right to make multiple awards.

#### **7. MILESTONES**

The PTO's goal is to have the services acquired and the new contract ready to support the Office by January 1, 2000. Upon completion of the initial down-selection process, a Statement of Need (SON) containing further target milestones will be issued to those offerors whose approaches and estimated costs are considered to be both technically and economically able to meet the project objective in response to the project agreement.

#### **8. TERM**

The term of the project begins on the date of this document and concludes when close-out functions are completed. The anticipated period of performance of this contract is a one year base period and four, one-year option periods.



## **9. GROUND RULES FOR THE ACQUISITION PROCESS**

This acquisition will be conducted according to the CONOPS as described in Department of Commerce Acquisition Process Case for Change. The PTO intends to communicate openly and frequently with industry throughout the pre-award phase of the acquisition. To promote an equitable and active dialog with all members of private industry who have an interest in responding to the needs of the Government, CONOPS uses electronic communications extensively throughout this solicitation process. This speeds the exchange of information and assures equal opportunity for all respondents. It also encourages openness by making as much information as possible available simultaneously to all parties. This PA and any resulting Statement of Need (SON) documents that result from work of the project team will be posted on the Internet at this website.

We encourage offerors to respond to this PA with varied concepts and innovative approaches on how to accomplish the requirements identified in Step 2, Part B, of the project objective. Any acquisitions arising hereunder will be 100% set aside for small business concerns. The Standard Industrial Code (SIC) 8744 with a dollar threshold of \$20 million will be used.

The following steps will be used in the selection process:

### **PHASE I**

#### **STEP 1. PUBLISH PROJECT AGREEMENT**

The synopsis for this requirement was posted in the Commerce Business Daily (CBD) on May 14, 1999. This PA document can be accessed on the project team's home page located at <http://www.uspto.gov/go/proc/conops/pto/ptoss>. This acquisition is being conducted in accordance with the FAR and the ReMAP process.

#### **PRE-PROPOSAL CONFERENCE AND SITE VISIT**

In an effort to openly share information and increase the level of understanding among all interested parties, a pre-proposal conference and site visit will be held on **June 14, 1999, 10:00 a.m.** The location for the conference is U.S. Patent and Trademark Office, Two Crystal Park, Suite 200, in the Patent Theater. The address of this location is 2121 Crystal Drive, Arlington, VA. Each offeror is allowed to send two representatives to the conference. If an offeror is planning a teaming arrangement, the major subcontractors are allowed 2 representatives as well. Notification of offerors intent to attend the pre-proposal conference must be received electronically at **[ptoss@uspto.gov](mailto:ptoss@uspto.gov)** no later than COB **June 11, 1999**. Any additional information concerning the site visit and conference will be posted on the home page as it becomes available.

## **QUESTIONS AND ANSWERS**

Questions pertaining to this PA should be sent electronically to **ptoss@uspto.gov** not later than **June 22, 1999**. Questions and answers will be posted on the home page not later than **June 30, 1999**. The identity of the author for each question will remain confidential.

## **STEP 2. INVITE AND RECEIVE OFFERORS' SUBMISSIONS**

Offerors who wish to respond to the Government's needs as outlined in this PA must submit the following documents:

- Capability Statement (15-page maximum plus 1 page management summary)
- Description of Approaches (3-page maximum per each function)
- Resources (5-page maximum)
- Cost Estimate (10-page maximum)
- Certifications and Representations

## **FORMAT OF OFFEROR RESPONSE TO PROJECT AGREEMENT**

### **A. Capability Statement**

The Capability Statement shall not exceed fifteen (15) pages total, inclusive of all offeror attachments. A one (1) page management summary, which provides pertinent information on the company's history, experience and other relevant factors shall not be considered part of the total fifteen (15) page limit. The Capability Statement should contain all the information requested below and shall apply to all companies proposed as part of any teaming arrangement. Extraneous material will not be considered for evaluation.

For purposes of assessing past performance, offerors shall:

1) Demonstrate experience in and describe methods used to employ and retain large numbers of employees.

2) Provide a list of ten (10) government and/or corporate references and for each reference submit the following information:

- Agency or company name, address, contract number;
- Name, phone and fax number of person most responsible for day to day contract administration;
- Succinct description of services;
- Contract value;
- Role (prime or sub);

### Period of Performance.

Offerors shall select the five (5) most relevant of these contracts and provide a maximum one (1) page description per contract demonstrating: the offeror's ability to provide skilled personnel; to manage services which are the same or similar to the requirements of the PA; to process large work volumes; and to manage multiple tasks in multiple buildings. Where prior experience is not directly applicable, the offeror shall show the relationship of prior experience to the requirements of this PA.

Any information found to be unreliable might result in a negative rating to the offeror. If the offeror is unable to provide ten (10) references, the offeror shall certify that the references provided are all of the references available as of the date of the submission of the Capability Statement. False information provided concerning references or offeror certifications would result in the PTO not considering an offeror for award of any resulting contracts.

#### **Note:**

- It is the intent of the Government to investigate all referenced contracts. However, the Government reserves the right to determine which contracts submitted by the offeror is relevant to the requirements and to contact only those references.
- The Government reserves the right to use any other references known independently to the Government regarding an offeror's (including subcontractor's) past performance on any contract.
- By providing the Government the above contracts, the offeror is certifying that it has contacted the referenced individuals and given permission for the Government to contact those individuals.

### **B. Description of Approaches**

Each offeror must provide a description of the planned approach for performing the following functions of the Project Objective, Section 3:

Reclassification Project Processing – Final processing, Ref. 3.1.1.3;  
Tech Center File Room Maintenance, Ref. 3.5.3;  
Application File Retrieval, Ref. 3.4;  
Reference Copying, Ref.3.2.3;  
U.S. Mail Processing (open/sort, RAM data capture, and file assembly), Ref. 3.6.1, 3.6.3, and 3.7.1;  
PCT Mail Processing (open/sort and file assembly), Ref. 3.6.2 and 3.6.4;  
Scanning Services, Ref. 3.11.

Each description should discuss a proposed workflow, quality control, and quality assurance techniques that the offeror will employ. An offeror's approach should demonstrate a thorough understanding of PTO's requirements and the ability to achieve required timeliness and quality standards. We strongly encourage the use of flowcharts. Approach descriptions shall not exceed 3 pages in length, including any flowcharts, for each of the above functions.

### **C. Resources**

Each offeror must provide the labor categories, the number of FTEs for each labor category, and individual employee production rates of personnel proposed for the seven functions described in response to section B., above.

**SPECIAL NOTE:** The President has urged businesses across the Nation to offer jobs to welfare recipients. To further this goal, PTO strongly encourages offerors on this project agreement to propose hiring welfare recipients in meeting the requirements of the project objective. Accordingly, an offerors' intent and proposal to hire welfare recipients to fulfill contract requirements will be a key discriminator during evaluation of the viability, innovation and flexibility of approaches. Proposals should address the offeror's program to effectively manage, hire, train and retain these individuals. Offerors should propose using these individuals to the maximum extent possible. The offeror will not only be evaluated on their projected percentage of use welfare recipients, but also on their strategy for training and providing opportunity for growth and retention. Simply proposing the use of welfare recipients will not guarantee that an offeror will be selected to proceed in the acquisition process. Those offerors that do propose credible use of welfare recipients will be given additional consideration in the evaluation process.

Offerors must submit a list of necessary contractor-provided equipment and supplies necessary for successful completion of all functions as described in section B., above. This resource section shall not exceed 5 pages in length.

### **D. Cost Estimate**

The project team is seeking unique and innovative cost solutions associated with the offeror's technical approaches in meeting all the requirements of the PA. Therefore, each offeror shall provide a proposed schedule of services for all requirements, including a proposed line item structure and a proposed production unit for each line item. Offerors must propose the type of contract associated with their technical approach. Offerors shall provide total cost estimates (for years 1 - 5) for each of the seven functions listed in paragraph B of Section 9 along with the basis for each estimate, see [Attachment B](#) for Volumes. Total length for all the cost estimates together may not exceed ten (10) pages, excluding the proposed schedule of services. Cost estimates, although not scored, will be evaluated for fairness, reasonableness and realism to determine the ultimate cost to the government. For the purposes of proposing cost estimates,

offerors should use Department Of Labor Wage Determination No. 94-2103, Revision 17, dated 7/9/98.

### **E. Certifications and Representations**

Certifications and Representations included within this project agreement (<http://www.uspto.gov/go/proc/conops>) shall be completed and submitted with the Capability Statement.

### **STEP 3. REVIEW OFFERORS' SUBMISSIONS, IDENTIFY VIABLE APPROACHES, AND CONDUCT INITIAL DOWN-SELECTION**

The purpose of this initial review is to identify those offerors with the greatest opportunity for award. The evaluation elements that will be used for this step are:

1. Understanding of the PTO's Requirements and the viability of planned approach with emphasis on:
  - Meeting turnaround times
  - Responding to fluctuating workloads
  - Quality control and assurance system
2. Resources:
  - Staffing
  - Employee production rates
  - Contractor-provided equipment and supplies
3. Risk, past performance and relative experience:
  - Experience in providing same or similar service
  - Overall customer satisfaction
  - Ability to recruit and retain qualified work force
4. Cost

Elements 1 (Understanding and Viability of planned approach), 2 (Resources) are of approximate equal weight. Element 3 (Risk) is slightly less important than either Element 1 or 2. Elements 1, 2, and 3 together are significantly more important than element 4 (Cost). Upon completion of evaluation, offerors viewed to have the least opportunity for award will be encouraged to voluntarily withdraw from the selection process. In accordance with FAR Part 15.505, these offerors will be promptly notified and if requested within the time frame allowed by the FAR, they will receive a timely debriefing on the results of the evaluation. However, those offerors that are debriefed as a result of this process will be unable to continue to Phase II.

Offerors who fail to submit all information requested in the PA within the allotted time frame will be considered “non-responsive” and will not be considered for further evaluation. The FAR clauses that apply are available as a supplement to this document at <http://www.uspto.gov/go/proc/conops/pto/ptoss>.

## **PHASE II**

### **STEP 4. ISSUE STATEMENT OF NEED (SON)**

Upon completion of the initial down-selection, the project team will issue the SON to the remaining offerors. The SON will provide detailed requirements necessary to meet the project objective and instructions for further proposal submission. Submissions in response to the SON will be evaluated using the same criteria set forth in Step 3.

Offerors shall follow the policy and guidance included within these instructions to prepare their oral presentation (see Step 6). While the presentations may not take place until after responses to the SON are received, PTO will contact offerors well in advance to schedule a date and time for their presentation.

### **STEP 5. RECEIVE RESPONSES BASED ON STATEMENT OF NEED**

Those offerors remaining under consideration will be given the opportunity to submit a response to the SON.

### **STEP 6. ORAL PRESENTATIONS**

The project team may conduct oral presentations with offerors in an effort to determine which offeror has the best understanding of our requirements.

### **STEP 7. MAKE "BEST VALUE" DETERMINATION**

In evaluating the responses to the project agreement, SON and oral presentation if appropriate, the project team will select the solution that offers the best value to the PTO, price and other factors considered. In making this selection, the project team is more interested in obtaining quality performance and innovative approaches than in making an award at the lowest cost.

## STEP 8. AWARD CONTRACT

Once the project team reaches consensus based on the stated evaluation criteria the remaining offerors will be promptly notified of the selection in accordance with FAR 15.503. After award, if a request is made within the time frame allowed by the FAR, offerors soliciting a debriefing will receive a timely debriefing on the results of the evaluation in accordance with FAR 15.506.

## STEP 9. MANAGING FOR RESULTS

The project team will be reorganized for administering any resulting contract(s). Once the contract is in place, selected team members will consult with the contractor throughout the “Managing For Results” phase in order to exchange ideas and feedback regarding the performance of the newly awarded contract.

## STEP 10. PROPOSAL REQUIREMENTS

Ten (10) copies of the proposal shall be submitted in paper form on 8 ½” by 11” white, non-textured paper, single spaced and with margins of at least 1 inch on all sides. The type face for all documents submitted (excluding charts and graphs, which may be submitted as foldouts to the proposal) shall be black and shall be at least 10 point. In addition, offerors shall provide an electronic copy of the proposal on a 3.5” high-density diskette, formatted for IBM-compatible personal computers in Microsoft Word 7.0. Offerors will have 24 hours in which to replace any diskette that proves unusable. **All documents (paper and electronic) shall be received no later than 2:00 p.m., local time, July 13, 1999, in the U.S. Patent and Trademark Office, Office of Procurement to the attention of Kate Kudrewicz.** All documents shall be delivered as a single package. Depending on the mode of delivery, offerors’ responses should be addressed as follows:

U.S. Postal Service	Courier or Express Mail Service
U.S. Department of Commerce Patent and Trademark Office Office of Procurement Box 6 Washington, DC 20231	U.S. Patent and Trademark Office Office of Procurement 2011 Crystal Drive, Suite 810 Arlington, VA 22202

## **10. INCUMBENT CONTRACTORS**

USPTO Examiner Search File Maintenance, Contract No. 50-PAPT-5-00013, with Diversified Technologies and Services of Virginia, Inc., 11861 Canon Boulevard, Suite E, Newport News, VA, 23606-2556.

USPTO Conversion Center Scanning Services, Purchase Order No. 43-PTO-8-06278, with NCI, Information Systems, Inc., 8260 Greensboro Drive, Suite 400, McLean, VA, 22102.



# STANDARDS APPLICABLE TO CONTRACTOR PERFORMANCE

Attachment A

## FOR PATENT COPIES

The contractor is required to provide patent copies for a variety of Search File Support functions and for mailing to applicants with office actions. Depending on the particular circumstances, these copies may be provided in a number of ways: Photocopying existing patent documents, generating copies from the automated patent system, relabeling existing patent copies (Reclassification Final Processing and File Integrity Processing only).

### Copies for Search File Support functions

Patent copies provided by the contractor are considered acceptable when they meet the following requirements:

- paper meets the minimum specifications,
- images are distinct and properly centered,
- document is legible and complete,
- drawings are single-sided copies,
- textual material is duplexed, and
- pages are properly stapled together.

The following paper specifications meet the minimum Government requirements:

- Weight: 28 pound (US copies)
- Caliper: .0054 inches
- Archival life: Type I (200+ years)
- Cut Rotary (5 sheet)
- Paper Type: Photographic
- Moisture Content: 4-4.5% RH
- Wax pick (surface lint): Medium
- Smoothness: Very High
- Rag Content: Very Low
- Curl: Low
- Size—US patents: 7 ¾ inches by 11 3/16 inches
- Size—foreign patents: 210 mm x 297 mm (A4 paper).

All patent copies produced by the contractor using reproduction equipment must be an acceptable substitute for patent copies printed by offset reproduction. All images must be centered on the page and clearly legible. The following minimum quality standards apply to all copies produced:

- Resolution: 120-line pairs per inch
- Black Image: 0.85 optical density on a line
- Background: No more than 3% darker than unprocessed paper.

Patents that are produced from the automated patent system must be printed on 28 lb paper and the correct classification label must appear on the upper left corner of the first page of the patent. Copies generated in this manner are acceptable if they contain a skewed image provided the document is otherwise legible.

US patent copies are stapled together at the bottom of the sheets with two flat staples approximately 4 inches apart and centered from the right and left edges of the sheets. Foreign patent documents are stapled together on the left side with three flat staples placed equal distance apart and with the English language abstract attached to the document as its first page.

Existing patent copies are acceptable for use provided

- The patent copy is complete and contains all pages, figures, claims, and identifying data.
  - EXCEPTION: A patent copy numbered 500,000 or below is acceptable “as is” provided a better quality or more complete copy is not available elsewhere. Any such patent copy should be stamped “Best Available Copy.”
- The patent copy is intact and not faded to the extent where it is difficult to read. Any copy which is torn, worn around the edges, faded, or otherwise difficult to read must be mended or replaced.
- The patent copy is stapled together at the bottom of its pages with 2 staples approximately 4 inches apart.
- The patent copy does not exceed a maximum size of 7 ¾ inches by 11 3/16 inches.

If the best possible copy of a patent has been obtained but the image is still blurred, faded, or otherwise unclear, the contractor should not attempt to improve the printed matter by any means and should stamp the copy “Best Available Copy.”

Existing patent copies located for Reclassification Preprocessing projects are acceptable on less than 28 pound paper provided all other requirements are met. Existing patent copies to be placed in the public or examiner search files must be made of 28 pound or heavier paper. In addition, these copies must contain single-sided drawing and duplexed textual material.

#### For Reference Copies

Document copies reproduced by the contractor for inclusion in office action mailings must be legible and complete; possess images which are distinct and properly centered; and be properly stapled together. All copies must be produced on standard 8 ½ x 11 inch paper.

## ***FOR INTERNATIONAL APPLICATION COPIES***

When reproducing International Applications as part of the PCT Copying function, the contractor shall insure that all copies contain distinct and properly centered images; each document is legible and complete; and pages are stapled as directed by the Government. All International Application copies must be produced on A4 paper and must conform to the following specifications:

- top margin: no less than 2 cm; no more than 4 cm
- left margin: no less than 2.5 cm; no more than 4 cm
- right margin: no less than 2 cm; no more than 3 cm
- bottom margin: no less than 2 cm; no more than 3 cm.

On any reproduced sheet containing a drawing, the usable surface may not exceed 26.2 cm x 17.0 cm. The minimum margins of any sheet containing drawings are:

- top margin: 2.5 cm
- left margin: 2.5 cm
- right margin: 1.5 cm
- bottom margin: 1.0 cm.

## ***FOR THE EXAMINER SEARCH FILE***

The examiner search file (ESF) is housed in storage cabinets containing multiple drawers arranged in columns. These cabinets are commonly called “shoecases” and the individual drawers are referred to as “shoes.” Each shoe is labeled to provide for easy identification of its contents. Shoecases typically are built in two or three sections of wood or metal. The average shoecase consists of 3 columns holding a total of approximately 81 shoes; however, some shoecases exist which consist of 2 or 4 columns of shoes. Shoes are utilized within each column from top to bottom.

Shoecases are placed in examiner search rooms (ESR) throughout the Examining Groups. Maintenance of these search rooms in good order and in compliance with requirements is an essential service provided to the examiners. To facilitate examiner searching, documents must be filed in the proper order in the correct location, shoes must not be overfilled, documents and/or shoes must not be left lying on top of shoecases or on the floor, and labels must be present and accurate.

Each shoe is equipped with a label holder into which the appropriate label (also called “shoe tag”) is inserted. The following labels (form PTO-666) are available for use:

- **White:** Identifies shoes containing US patent copies.
- **Pink:** Identifies shoes containing foreign patent documents filed by US classification(s).
- **Yellow:** Identifies shoes containing foreign patent documents filed on the basis of the International Patent Classification (IPC) system.
- **Blue:** Identifies shoes containing nonpatent literature (NPL).

Search rooms generally are maintained with classifications (i.e., class/subclass) in numeric sequence; however, examiners may request a different organization scheme. Within each classification, documents are filed in the order described below. Within each shoe, the oldest document is filed on top with the newest document on the bottom.

US patent copies are filed in patent number sequence within classification. The shoe label for each shoe containing US documents identifies the class/subclass (e.g., 320/33) and the patent number range (e.g., 4,954,123 – 4,999,999) to be found in that shoe. The label for the first drawer of US patent copies in a classification always begins with “0” as the lower limit; the label for the last drawer of US patent copies in a classification always has the upper limit defined as “To Date.” In general, US patent copies should not contain hand-written classifications. If such documents are found in the search file, the COTR should be notified.

Typically, jumbo patents are not placed in the shoe drawers but are filed on supplemental racks in the search room. The first page of the patent, frequently accompanied by some or all of the patent’s drawings, are filed in the shoes in the correct location. This insures searchers are aware of the patent’s existence without having to conduct a separate search of the foreign.

Foreign patent documents filed by US classification usually are filed in the shoes in publication date sequence within classification. Foreign patent documents whose filing labels contain a sequence number (a derivative of the publication date) will be filed using this number. All other foreign documents will be filed by reference to the publication data shown on the document. If more than one document contains the same publication date, the documents are filed in alphabetical order, by country, within the publication date. The label on each shoe containing foreign patent documents filed by US classification contains the word “Foreign” followed by the class/subclass (e.g., 320/23) and the publication date range (e.g., Jan 1993 – Dec. 1993) within the shoe. The label for the first drawer of foreign patent documents in a US classification always begins with “0” as the lower limit; the label for the last drawer always has the upper limit defined as “To Date.” Frequently, foreign documents for multiple classification may be filed in one shoe. In this situation, cardboard sheets should be inserted between the last document of a classification and the first document of the next.

Foreign patent documents filed by IPC also are filed in the shoes in publication date sequence within classification. The label on each such shoe contains the word “Foreign” followed by the IPC Subclass and Group designation (e.g., A61K 001); in many instances a range of IPC designations are cited.

Non-patent literature (NPL) is filed in the shoes immediately behind the foreign documents. Filing of NPL may begin in the last drawer of foreign documents. In this situation, a cardboard sheet is inserted between the foreign and NPL documents and the shoe tag is marked to indicate NPL is in the shoe. NPL are filed in publication date sequence with any undated documents placed behind those with dates.

There are a number of special documents which are filed in the shoes containing US patents. These documents are filed according to the following procedures:

- **Certificates of Correction, Disclaimer, Dedication, or Patent Term Extension; Reexamination Certificates; Adverse Decisions:** These documents are attached to the back side of the first page of the corresponding patent using two staples along the right hand edge with the front side of the document facing the second page of the patent.
- **Reissue Patents:** Reissues are filed in the shoes in patent number sequence within classification.
- **Defensive Publication Documents:** These documents are identified by a “T” preceding the document number; e.g., T123,456. Defensive Publication documents are considered NPL and are filed by publication date sequence along with other NPL. These documents were replaced by SIR documents in 1986.
- **Statutory Invention Registration (SIR) Documents:** These documents are identified by an “H” preceding the document number; e.g., H123,456. SIR documents are considered NPL and are filed by publication date sequence along with other NPL.
- **Alien Property Custodian (APC) Documents:** APC documents are identified by the words “Alien Property Custodian” along the top of the first page of the document. These documents are considered NPL and are filed in publication date sequence along with other NPL.

## ***RECLASSIFICATION and FILE INTEGRITY***

### ***PROJECT PROCESSING***

#### Project Scheduling

No later than 2 work days prior to the beginning of each month, the Government will provide a Processing Schedule for that month which specifies the projects to be processed, each project's scheduled start date, and the time allowed for the project's processing. Processing times are based on the following table.

Project Type	Project Size (# patent copies)	Time Allowed
Preprocessing (includes repairing/ replacing/adding patent copies as needed)	up to 5,000	1 week
	5,001 to 10,000	2 weeks
	10,001 to 20,000	3 weeks
	more than 20,000	4 weeks
Data Capture	up to 5,000	1 week
	5001 to 10,000	2 weeks
	10,001 to 20,000	3 weeks
	more than 20,000	4 weeks
Final Processing* (either set)	up to 10,000	1 week
	10,001 to 20,000	2 weeks
	20,001 to 35,000	3 weeks
	more than 35,000	4 weeks
File Integrity (either set)	up to 34,000	2 days

\*Includes providing all additional/replacement copies as needed

#### Specifications for Labeling Patent Copies

A classification label is attached to a patent copy in accordance with the following specifications.

- A classification label is affixed to the top left-hand corner of the front page of the patent.
- The label is located flush against the paper's top left-hand corner edges.
- Any marks or notations visible around a label after it has been affixed is blacked out in a neat manner. (Any classification information written elsewhere on the upper one-fourth of the patent has a line drawn through it.)
- Any notes other than those containing classification information are left clearly visible.



## **PREMISES**

Currently, the PTO is housed in 17 buildings throughout the Crystal City area. Within these buildings, a total of approximately 35,000 square feet is in use for contractor office and work space. The configuration and location of both PTO and contractor space is subject to change at any time. Contractor space is provided as the need arises and as available. The contractor is required to provide needed support in any newly acquired PTO space located in the Crystal City area or elsewhere.

Furniture and equipment (including PCs) for the contractor's use in performing the work will be provided by the PTO. A summary list of the GFE currently in use is provided below. Facilities (e.g., lockers) for the personal belongings of contract employees are the responsibility of the contractor. Government-owned telephones will be available to the contractor for official use communicating with the Government and among contractor offices.

<u>Type of Furniture/Equipment</u>	<u>Amount</u>
Blue Trucks	145
Stainless Steel Push Trucks	5
Bookshelves	2
Carts	115
Chairs	266
Copiers	3
Desks/Work Stations	166
Printers	9
Racks	184
Sorting Bins	53
Tables	192
PC's	42
PALM CRT's	56
PALM Printers	34
PALM BCR's	66

## Estimated Volumes

## Attachment B

Attachment B						
<b>ESTIMATED WORK VOLUMES</b>						
<b>Function</b>	<b>Unit</b>	<b>Yr 1</b>	<b>Yr 2</b>	<b>Yr 3</b>	<b>Yr 4</b>	<b>Yr 5</b>
Reclassification Project Processing						
Preprocessing	document	150,000	75,000	50,000	50,000	50,000
Data Capture	document	100,000	50,000	25,000	25,000	25,000
Final Processing	document	800,000	650,000	500,000	500,000	500,000
File Integrity	document	250,000	500,000	500,000	150,000	150,000
File Inventory	document	250,000	500,000	500,000	150,000	150,000
Reference Filing	document	3,500,000	3,500,000	3,500,000	3,000,000	2,500,000
Search File Expansion	shoe	375,000	350,000	325,000	300,000	300,000
Provide Patent Copies	patent	1,000,000	800,000	500,000	350,000	350,000
Misc. Processing	patent	50,000	30,000	20,000	20,000	20,000
Copying Support						
PCT Copying	image	6,109,404	6,720,345	7,392,379	8,131,617	8,944,779
Reference Copying	image	38,018,428	42,200,455	44,732,482	46,969,106	49,317,561
Document Mailing						
US	document	585,792		682,741		

			650,229		716,878	752,721
PCT	document	11,757	12,932	14,226	15,648	17,213
Application File Retrieval	application	1,287,542	1,442,047	1,557,411	1,682,004	1,816,565
File Room Maintenance						
PCT						
Folders Established	folder	55,638	61,202	67,322	74,054	81,460
Files Retrieved	file	289,287	318,215	350,037	385,041	423,545
Documents/files Filed	doc/file	368,821	405,703	446,274	490,901	539,991
OIPE						
Documents/applic filed	doc/app	202,692	227,015	238,366	250,284	262,799
Files Retrieved	application	809,331	906,451	951,773	999,362	1,049,330
Tech Center	application/int er-ference print	1,341,190	1,542,369	1,696,605	1,866,266	2,052,892
File Relocation	application	50,000	50,000	50,000	50,000	50,000
Mail Processing						
US Open/Sort	piece mail	2,443,105	2,736,278	2,873,092	3,016,746	3,167,584
PCT Open/Sort	piece mail	456,896	502,586	552,844	608,129	668,941
US File Assembly	application	462,403	517,891	543,786	570,975	599,524
PCT File Assembly						
National	application	23,562	25,918	28,510	31,361	34,497
International	application	33,282	36,610	40,271	44,298	48,728
Data Entry						
RAM	application/do cument	1,206,635	1,351,431	1,446,032	1,547,254	1,655,562

Bibliographic Data	application	82,548	90,803	99,884	109,872	120,859
Tech Center Mailroom	piece mail	3,229,671	3,617,231	3,798,093	3,987,998	4,187,397
Fax Machine Support	fax rec'd	58,946	66,020	69,321	72,787	76,426
Errands	location	350	360	375	380	400
Scanning Support						
US	image	10,360,000	11,396,000	12,760,000	14,994,000	16,857,400
PCT	image	3,640,000	4,004,000	4,404,400	4,844,840	5,329,324
File Information Unit Support	staff day	1,000	1,000	1,000	1,000	1,000

## GFE and Supplies vs. CFE and Supplies

### Attachment C

<b>FUNCTION</b>	<b>GOVERNMENT EQUIPMENT</b>	<b>GOVERNMENT SUPPLIES</b>	<b>CONTRACTOR'S EQUIPMENT</b>	<b>CONTRACTOR SUPPLIES</b>
<b>Preprocessing</b>		X	X	X
<b>Data Capture</b>	X			X
<b>Final Processing</b>		X	X	X
<b>File Integrity</b>		X	X	X
<b>File Inventory</b>			X	X
<b>Reference Filing</b>			X	X
<b>Exr. Search Rm Main.</b>				X
<b>Search File Expan.</b>				X
<b>Provide patent copies</b>			X	X
<b>Misc. processing</b>			X	X
<b>PCT copying</b>	X		X	X
<b>Admin Copy Center</b>	X	X		
<b>Reference Copying</b>		X	X	X
<b>Doc Mailing U.S.</b>	X	X		
<b>Doc Mailing PCT</b>	X	X		
<b>Application Retrieval</b>	X	X		
<b>File Room Maintenance</b>				
<b>PCT</b>	X	X		
<b>OIPE</b>	X	X		
<b>Tech Center</b>	X	X		
<b>File Relocation</b>		X	X	
<b>Mail Processing</b>				
<b>U.S. Open/Sort</b>	X	X		
<b>PCT Open/Sort</b>	X	X		
<b>U.S. File Assembly</b>	X	X		
<b>PCT File Assembly</b>	X	X		

<b>FUNCTION</b>	<b>GOVERNMENT EQUIPMENT</b>	<b>GOVERNMENT SUPPLIES</b>	<b>CONTRACTOR'S EQUIPMENT</b>	<b>CONTRACTOR SUPPLIES</b>
<b>Data Entry</b>				
<b>RAM</b>	X	X		
<b>Bibliographic Data</b>	X	X		
<b>Misc. Data</b>	X	X		
<b>TC Mail Room</b>	X	X		
<b>Fax Support</b>	X	X		
<b>Errands</b>			X	
<b>Scanning Services</b>	X	X		X